



Attorney Docket No. 009785-0130

Application No. 09/940,771

#5.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sergey A. Kryloff et al.
Application Number : 09/940,771
Filing Date : August 27, 2001
Title : SOFTWARE PATCH GENERATOR

Commissioner for Patents
Washington, D.C. 20231

12/27/2001 SZEWDIE1 00000111 09940771

02 FC:122

130.00 OP

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on 12-12-01

By: PATRICIA TURNER

Name: Patricia Turner

PETITION UNDER 37 C.F.R. § 1.47

Dear Sir:

In accordance with 37 C.F.R. § 1.47, the Attorney of Record for the Applicant submits this petition, requesting acceptance of the above-identified application without the signature of all inventors. In particular, Sergey A. Kryloff refuses to sign a declaration for the application. The statement of facts regarding our efforts for obtaining Mr. Kryloff's signature on the declaration is as follows.

The present application was filed on August 27, 2001 as a continuation-in-part application of U.S. Patent Application No. 09/144,666, filed September 1, 1998, now U.S. Patent No. 6,289,509. Mr. Kryloff is the sole inventor of U.S. Patent No. 6,289,509, which is assigned to PKWare, Inc. The continuation-in-part application is also to be assigned to PKWare, Inc. Three pages of e-mail correspondence between PKWare, Mr. Kryloff, and the undersigned are attached

RECEIVED

JAN 11 2002

OFFICE OF PETITIONS

hereto as evidence of our efforts to obtain Mr. Kryloff's signature on the declaration and assignment, and his refusal to sign the declaration and assignment documents.

A combined declaration and power of attorney, and an assignment for the present continuation-in-part application were e-mailed by Jim Peterson of PKWare to Sergey Kryloff on November 7, 2001. Mr. Kryloff responded back to the undersigned by e-mail on November 8, 2001 stating that he would not sign the declaration and assignment documents because he did not agree with Yuri Basin, an employee of PKWare, Inc., being listed as a joint inventor. Mr. Kryloff is a Russian citizen and unfamiliar with U.S. Patent Law. The undersigned sent an e-mail response to Mr. Kryloff on November 8, 2001, trying to explain to him that Mr. Basin is not added as an inventor of the software patch algorithm invented by Mr. Kryloff, but added as a joint inventor for his inventive contributions to the added subject matter of the continuation-in-part application. Mr. Kryloff e-mailed back, requesting a copy of the continuation-in-part application. The undersigned sent a copy of the continuation-in-part application to Mr. Kryloff by facsimile on November 8, 2001. Mr. Kryloff reviewed the application and continued his refusal to acknowledge Mr. Basin as a joint inventor, and refused to sign the declaration and assignment. We received no further correspondence from Mr. Kryloff.

Mr. Kryloff's current address is: 10-2 Uchebny Pereulok Street, No. 84, Saint Petersburg, Russia 194354. His current telephone/facsimile number is: 7-812-511-4595.

In view of the foregoing, the undersigned requests the Commissioner grant this Petition according to 37 C.F.R. § 1.47 and accept the application without the signature of all inventors.

Respectfully submitted,

GODFREY & KAHN, S.C.

Dated: 12/12/01

By: William K. Baxter
William K. Baxter
Reg. No. 41,606

Attorneys of Record for the Applicant
GODFREY & KAHN, S.C.
780 North Water Street
Milwaukee, WI 53202-35590
(414) 273-3500

MW574309_1.DOC

RECEIVED

JAN 11 2002

OFFICE OF PETITIONS